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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,206	10/08/2003	Hormiz Azrikam	1412.02	7462

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EXAMINER

CHIN, PAUL T

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/680,206	AZRIKAM, HORMIZ	
	Examiner	Art Unit	
	PAUL T. CHIN	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/8/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on October 8, 2003, was filed and the submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

3. Claims 2 and 14 are objected to because of the following informalities: it appears that the word "a" before "unsecured" (claim 2, line 13) should be changed to -- an -- and in claim 14, line 1, the depending claim 14 should be changed to other depending claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 4-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claimed language of claim 4 is vague and indefinite. Claim 1 defines "a support structure having a plurality of bag clips" (line 4), but claim 4 further defines "said support structure is in the general form of an elongated bridge, which is misleading.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (5,503,442) (IDS) in view of Lebeau (4,951,987).

Lee (5,503,442) discloses a hand operated animal waste scoop, comprising a control assembly having a handle (Figs. 2 and 3) and a trigger (6), an extension structure (2) having hollow tube (Fig. 3), a support structure having a plurality of clips (4b1, 4b1, and 10) (Fig. 2), a linkage assembly (45,46), a pair of scoop opposed jaws (4a, 4b), and a latch (34, 63). Lee does not show a *plurality of springs* being attached to the linkage or the opposed jaws.

However, Lebeau (4,951,987) shows a *plurality of springs* (24,24) being attached to the jaws. Accordingly, it would have been obvious to those skilled in the art to a plurality of springs on the jaws on the Lee (5,503,442) as taught by Lebeau (4,951,987) in order to facilitate to grip the trigger and also to close the jaws.

Re claim 4, the modified Lee (5,503,442) shows the support structure further having an elongated tube or bridge (71, 72) and depending side portions (41) (Fig. 3).

8. Claims 1-4, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hennessy et al. (4,225,174) in view of Lebeau (4,951,987).

Hennessy et al. (4,225,174) discloses a hand operated animal waste scoop, comprising a control assembly having a handle (Figs. 4-5) and a trigger (18), an extension structure

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(14) having hollow tube, a support structure having a plurality of clips (44, 44) (Fig. 3A), a linkage assembly (74), a pair of scoop opposed jaws (26, 26), and a latch (80).

Hennessey et al. (4,225,174) does not show a *plurality of springs* being attached to the linkage or the opposed jaws.

However, Lebeau (4,951,987) shows a *plurality of springs* (24,24) being attached to the jaws. Accordingly, it would have been obvious to those skilled in the art to a plurality of springs on the jaws on the Hennessey et al. (4,225,174) as taught by Lebeau (4,951,987) in order to facilitate to grip the trigger and also to close the jaws.

9. Claims 1-4, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahan (3,738,697) in view of Friberg (6,142,543).

Kahan (3,738,697) discloses a hand operated animal waste scoop, comprising a control assembly having a handle (14) and a trigger (14), an extension structure (11) having hollow tube (Fig. 3), a support structure having an elongated tube (22) and having cross sections, a linkage assembly (12), a pair of scoop opposed jaws (29,29), a spring (20) attached to the linkage assembly. Kahan (3,738,697) does not show a plurality of springs being attached to the support structure.

However, Friberg (6,142,543) shows a bag clip (300) and it would have been obvious to those skilled in the art to provide a plurality of bag clips on the support member of the Kahan's animal scoop (3,738,697) as taught by Friberg (6,142,543) to secure a bag. It is pointed out that the location of the clips is obvious design choice as taught by Friberg stating that "the position of the grasping member (300) can be disposed in any location" (see Col 5, lines 55-65).

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Re claim 2, the modified Kahan's animal scoop (3,738,697) further shows a spring (21), which can be considered as a latch movable between secured and unsecured positions.

Allowable Subject Matter

10. Claims 5-15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (703) 305-1524. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



PAUL T. CHIN
Examiner
Art Unit 3652